

Message Text

CONFIDENTIAL

PAGE 01 PARIS 26994 01 OF 02 161221Z

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ACTION EUR-08

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R 161125Z SEP 76

FM AMEMBASSY PARIS

TO SECSTATE WASHDC 5000

C O N F I D E N T I A L SECTION 01 OF 02 PARIS 26994

LIMDIS

E.O. 11652: GDS

TAGS: FR OGEN CVIS (SOUSTELLE, JACQUES)

SUBJECT: VISA ELIGIBILITY OF JACQUES SOUSTELLE

REF: STATE 220310

1. SUMMARY. EMBASSY HAS REVIEWED IN DETAIL POLITICAL AND VISA FILES OF JACQUES SOUSTELLE DATING BACK TO THE END OF THE SECOND WORLD WAR. IN OUR OPINION THE PREVIOUS FINDING UNDER 212(A)(28) WAS PROBABLY NOT JUSTIFIED (ALTHOUGH THERE IS NO DISPUTE THAT HE WAS AT THE TIME INELIGIBLE UNDER 212(A)(27)), IN ANY EVENT, BOTH THE PROSCRIBED ORGANIZATION (OAS/CNR) AND THE ISSUES WITH WHICH IT WAS CONCERNED DISAPPEARED MORE THAN TEN YEARS AGO, HENCE SOUSTELLE CLEARLY QUALIFIES AS A "DEFECTOR" UNDER 212(A)(28)(I)(II) OF THE IMMIGRATION & NATIONALITY ACT.

2. ACTION REQUESTED: THE DEPARTMENT IS REQUESTED TO CONCUR IN OUR RECOMMENDATION THAT SOUSTELLE IS NO LONGER EXCLUDABLE UNDER EITHER 212(A)(27) OR 212(A)(28) AND SO INFORM INS IN ORDER THAT HIS NAME BE REMOVED FROM THE INS LOOKOUT BOOK.

3. SOUSTELLE WAS DECLARED INELIGIBLE FOR A VISA UNDER SECTIONS 212(A)(28)(F) AND 212(A)(27) OF THE ACT ON
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PAGE 02 PARIS 26994 01 OF 02 161221Z

MARCH 21, 1963. EMBASSY'S REVIEW OF THE FILE INDICATES

THAT SOUSTELLE'S INELIGIBILITY UNDER 212(A)(27) WAS APPROPRIATE AT THE TIME, BUT THAT THE APPLICABILITY OF 212(A)(28)(F) WAS DUBIOUS.

4. PARIS TELEGRAM 3522 OF MAR. 6, 1963, STATED THAT SOUSTELLE WAS A MEMBER OF THE SO-CALLED "CONSEIL NATIONAL DE LA RESISTANCE (CNR)," WHICH WAS A SUCCESSOR TO THE OAS. BOTH ORGANIZATIONS ADVOCATED THE ASSASSINATION OF PRESIDENT DEGAULLE AND THE VIOLENT OVERTHROW OF THE FRENCH GOVERNMENT.

5. SOUSTELLE, OF COURSE, WAS ONE OF THE LEADERS OF POLITICAL OPPOSITION TO DEGAULLE'S PLANS TO GRANT INDEPENDENCE TO ALGERIA. THIS OPPOSITION COVERED A BROAD SPECTRUM OF FRENCH POLITICAL TENDENCIES, INCLUDING EXTREMISTS WHO SOUGHT TO UTILIZE UNCONSTITUTIONAL METHODS TO ACHIEVE THEIR AIM OF KEEPING ALGERIA FRENCH. IN ITS EFFORTS TO COMBAT ALL OPPOSITION TO THE GRANTING OF INDEPENDENCE TO ALGERIA, THE DEGAULLE GOVERNMENT WAS NOT ADVERSE TO THE LUMPING TOGETHER OF ALL OPPOSITION IN THE EXTREMIST CATEGORY. THIS TACTIC ENABLED THE GOVERNMENT TO UTILIZE EMERGENCY MEASURES AS WELL AS EXTRA-LEGAL DEVICES TO DEFEAT ITS OPPONENTS ON A HIGHLY EMOTIONAL ISSUE. IT WAS NOT SURPRISING, THEREFORE, FOR POLITICIANS LIKE SOUSTELLE, WHO MADE NO SECRET OF HIS OPPOSITION TO DEGAULLE'S ALGERIAN POLICY, TO BE IDENTIFIED WITH THE EXTREMIST ELEMENTS. NEVERTHELESS, THE EMBASSY FINDS NO DEFINITIVE EVIDENCE THAT HE ACTUALLY BELONGED TO ANY OF THE EXTREMIST ORGANIZATIONS OR THAT HE ACTUALLY ADVOCATED THE VIOLENT OVERTHROW OF THE FRENCH GOVERNMENT, THE FRENCH CONSTITUTION, OR THE ASSASSINATION OF PRESIDENT DEGAULLE. IN THIS REGARD, THE EMBASSY'S POLITICAL FILE CONTAINS A MEMORANDUM OF CONVERSATION BETWEEN AN EMBASSY OFFICER AND THE PREFECT OF THE RHONE DEPARTMENT DATED JUNE 18, 1962. THE PREFECT SAID THE FOLLOWING: "THE PREFECTURE DOES NOT CONSIDER JACQUES SOUSTELLE TO BE A MEMBER OF THE OAS."

6. SOUSTELLE WAS SUBSEQUENTLY THE SUBJECT OF AN ARREST WARRANT IN DECEMBER 1962 CHARGING HIM WITH "ANTI-CONFIDENTIAL

CONFIDENTIAL

PAGE 03 PARIS 26994 01 OF 02 161221Z

GOVERNMENT ACTIVITIES," BUT HE WAS NEVER ARRESTED BECAUSE HE CHOSE EXILE. THE EMBASSY DOES NOT CONSIDER THE ARREST WARRANT PROOF OF ANYTHING BECAUSE, AS INDICATED ABOVE, THE FRENCH GOVERNMENT AT THE TIME UTILIZED DRACONIAN MEASURES AGAINST ALL OPPOSITION TO ALGERIAN INDEPENDENCE.

7. SOUSTELLE RETURNED TO FRANCE IN 1968 AFTER A GENERAL

AMNESTY WAS PROCLAIMED FOR ALL POLITICAL OFFENDERS

CONFIDENTIAL

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CONFIDENTIAL

PAGE 01 PARIS 26994 02 OF 02 161137Z

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C O N F I D E N T I A L SECTION 02 OF 02 PARIS 26994

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RELATED TO THE ALGERIAN CRISIS. BUT WE NOTE THAT SOUSTELLE WAS NOT JUST CONTENT WITH THE GENERAL AMNESTY. HE INSISTED THAT THE ARREST WARRANT BE CARRIED OUT AND THAT HE APPEAR BEFORE A COURT, WHICH SUBSEQUENTLY DISMISSED THE CASE FOR LACK OF EVIDENCE.

8. IN RETROSPECT, IT IS CLEAR THAT SOUSTELLE'S ENTRY INTO THE UNITED STATES IN THE 1962-1964 PERIOD WOULD HAVE BEEN INIMICAL TO THE UNITED STATES NATIONAL INTERESTS AT THE TIME, AND SECTION 212(A)(27) WAS APPLICABLE. WE FIND, HOWEVER, THAT IN ITS ANXIETY TO KEEP SOUSTELLE OUT, THE EMBASSY PROBABLY ERRED IN APPLYING SECTION 212(A)(28)(F) AS WELL.

9. THE DISPUTE OVER ALGERIAN INDEPENDENCE WAS ESSENTIALLY AN INTERNAL FRENCH MATTER INVOLVING ALL SHADES OF OPINION. ITS EMOTIONAL INTENSITY WAS SUCH AS TO ENDANGER THE VERY EXISTENCE OF THE GOVERNMENT AND CONSTITUTION, BUT IT DOES NOT FOLLOW THAT EVERY OPPONENT OF THE GOVERNMENT AT THE TIME WAS NECESSARILY IN THE EXTREMIST CATEGORY COVERED BY SECTION 212(A)(28).

10. SOUSTELLE'S RECORD SINCE HIS RETURN TO FRANCE IN 1968 IS ALSO ILLUSTRATIVE. HE RAN FOR THE FRENCH CONFIDENTIAL

CONFIDENTIAL

PAGE 02 PARIS 26994 02 OF 02 161137Z

NATIONAL ASSEMBLY IN MARCH 1973 AND WAS ELECTED. HE HAS SINCE JOINED THE MAJORITY GROUPING IN THE NATIONAL ASSEMBLY SUPPORTING PRESIDENT GISCARD D'ESTAING. THIS MAJORITY GROUPING IS LED BY THE GAULLIST PARTY. IF SOUSTELLE HAD ADVOCATED THE VIOLENT OVERTHROW OF THE FRENCH GOVERNMENT AND CONSTITUTION, HE WOULD HAVE HARDLY BEEN A VIABLE CANDIDATE FOR ELECTION TO THE NATIONAL ASSEMBLY UNDER THAT SAME CONSTITUTION. HE CERTAINLY WOULD NOT HAVE BEEN ACCEPTED AS A COLLABORATOR BY THE GAULLIST PARTY, WHICH HAS DEFENSE OF THE FIFTH REPUBLIC CONSTITUTION AS ITS MAJOR TENET.

11. IT SHOULD ALSO BE POINTED OUT THAT AT NO TIME HAS SOUSTELLE EVER BELONGED TO ANY ORGANIZATION THAT ADVOCATED THE OVERTHROW OF THE AMERICAN GOVERNMENT OR ESPOUSED ANY ANTI-AMERICAN POLICIES. ON THE CONTRARY, HE HAS ALWAYS BEEN A GOOD FRIEND OF THE UNITED STATES AND A STAUNCH ANTI-COMMUNIST. IN THIS CONTEXT, HE WAS RECEIVED BY SECRETARY KISSINGER IN 1975, AN HONOR NOT NORMALLY GRANTED TO MEMBERS OF THE FRENCH NATIONAL ASSEMBLY WHO ARE NOT CABINET MINISTERS.
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